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January 14, 2021

Via ECF

Hon. Naomi Reice Buchwald
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Mattel Inc. v. The Entities Doing Business as Goodmenow at the URL
Goodmenow.com et al.
1:20-cv-11075-NRB

Your Honor:

The following letter motion is made on behalf of the Defendants in the above referenced action, seeking a modification of this Court's Order, issued in the above referenced action on December 30, 2020 at 7:08 PM, which temporarily restrained Defendants from "transferring, withdrawing or accepting any funds from any account of any Defendant at PayPal, including but not limited to each PayPal account connected to the email address support@24dzservice.com, pending further order of the Court." ("the Order"). Pursuant to F.R.C.P. 65(b)(4), the Court is empowered to modify or dissolve an existing temporary restraining order. Defendants hereby seek modification of the Order, given the overbroad and damaging effects of the current Order. This letter motion is further supported by the attached Declaration of Xin Cheng.

Defendants seek urgent relief.

Pursuant to the Order, PayPal has identified and restrained eleven (11) accounts as of Wednesday, January 13, 2021, and frozen approximately \$5.1 million. This amount is well in excess of the maximum amount as demanded by Plaintiff in this action, and is causing significant financial harm to Defendants. If not modified, the restraint will likely cause up to \$5 million to \$10 million per month in financial harm to Defendants.

The named Defendants are all d/b/a entities for Yokawa Network Limited ("Yokawa"),

an entity organized under the laws of Hong Kong, SAR, China. Yokawa is the owner of all eleven PayPal accounts that are currently frozen. Given this unity of ownership, there is no risk that the “wrong” assets will have been attached if only some of the PayPal accounts remain frozen and some are unfrozen.

Defendants have operated a successful e-commerce business since December 2019. They sell more than 100 types of products to consumers worldwide with more than 84,000 different item codes or SKUs. In the fourth quarter of 2020, Defendants’ revenue was more than \$19 million USD. If the Order remains in effect without modification, Defendants’ e-commerce business will be crippled without justification.

Defendants seek a modification of Paragraph 6 of the Order. Specifically, Defendants seek to remove and replace the paragraph stating:

“Ordered that each Defendant, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of this order, be, and hereby are, TEMPORARILY RESTRAINED, from transferring, withdrawing or accepting any funds of Defendant at PayPal, including but not limited to each PayPal account connected to the email address support@24dzservice.com, pending further order of the Court.”

Defendants seek a modification to replace that paragraph with the following:

“Ordered that each Defendant, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of this order, be, and hereby are, TEMPORARILY RESTRAINED, from transferring, withdrawing or accepting any funds of Defendant at PayPal in the following accounts only, pending further order of the Court, under the email addresses listed below. Any other accounts affiliated with Defendants are not restrained in any way and there shall be no restrictions upon transferring, withdrawal, or acceptance of funds into or out from any such accounts, apart from the accounts associated with the email addresses identified below:

- yokawa@126.com
- yowords@163.com
- yocute@126.com
- yoepoch@sina.com
- yohoke@sina.com
- yoloya@sina.com
- yostep@163.com”

The accounts as listed above, which have already been temporarily restrained pursuant to the Order, contains a total amount as of January 13, 2021, in excess of \$2.8 million, based on the current balances (total of more than \$2.56 million) and pending transactions (more than

\$250,000).

Plaintiff does not consent to this application, although Plaintiff has indicated that \$2.8 million is sufficient.

Defendants request this relief without prejudice to their right to seek any further modifications of the Order, including further downward modification of the attachment, vacating of the attachment entirely, seeking an increase in the security with respect to the attachment, and/or any other relief.

To date, Defendants have not been validly served with papers in this action, as they are located in Hong Kong and valid service has not been effectuated. This motion is brought without prejudice to any motion to dismiss for failure to serve pursuant to F.R.C.P. 12(b)(5), as the present injunctive order presents an extreme hardship to Defendants and requires immediate modification pending resolution of other issues.

The parties are available for a hearing or motion conference at the Court's earliest convenience.

Yours Truly,
DGW Kramer LLP

/s/ Jacob Chen
By: Jacob Chen, Esq.
Katherine Burghardt Kramer, Esq.
RongPing Wu, Esq.